



COMMONWEALTH of VIRGINIA
DEPARTMENT OF LABOR AND INDUSTRY

C. Ray Davenport
COMMISSIONER

Main Street Centre
600 East Main Street, Suite 207
Richmond, Virginia 23219
PHONE (804) 371-2327
FAX (804) 371-6524

July 7, 2016

C. Brian Bacon, SHRM-CP, PHR
Corporate Relations Director
David A. Nice Builders, Inc.
4571 Williamsburg, VA 23188

Dear Mr. Bacon:

This is in response to your June 30, 2016 letter addressed to the Jennifer Rose, Safety Program Director, Virginia Department of Labor and Industry.

You ask for guidance regarding the use of fluorescent safety shirts in reference to the Virginia Occupational Safety and Health Reverse Signal Operation regulation. I have paraphrased your question as follows: Are fluorescent safety t-shirts an acceptable alternative to the required vest or jacket for designated observers/ground guides during daytime work operations?

The Virginia Occupational Safety and Health (VOSH) Reverse Signal Operation, 16VAC25-97-40 regulation requires that designated observer/ground guides shall "be provided with and wear during daytime operations a safety vest or jacket in orange, yellow, strong yellow green or fluorescent versions of these colors" and "be provided with and wear during nighttime operations a safety vest or jacket with retroreflective material in orange, yellow, white, silver, strong yellow green or a fluorescent version of these colors and shall be visible at a minimum distance of 1,000 feet". The purpose of the regulation is to provide comprehensive protection to employees and employers exposed to reverse operation traffic of vehicles, machinery and equipment in construction and general industry work areas. This regulation is modeled on the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD sets minimum standards and provides guidance to protect workers from vehicular traffic. Section 6E-3 of the MUTCD is similar to the Virginia regulation in that it requires "for daytime work, the flagger's vest, shirt, or jacket shall be orange, yellow, strong yellow green or fluorescent versions of these colors".

The MUTCD allows for shirts, or alternatively vests or jackets. Therefore, it is a reasonable extension to allow the same of the VOSH Reverse Signal regulation. The intent of the standard would be met if employees serving as designated observers/ground guides were to wear a solid color t-shirt that is one of the colors listed in the VOSH Reverse Signal Operation regulation. For daytime operations, the t-shirt is not required to be retroreflective.

If you need additional information or have further questions, please contact me.

Sincerely,

Jennifer L. Rose, CSP
VOSH Safety Program Director